

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE MONTGOMERY,  
Plaintiff,  
v.  
M. CULLUM, et al.,  
Defendants.

No. 2: 22-cv-1156 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, defendants' request for leave from their bi-monthly obligation to file status reports until February 16, 2024, is granted.

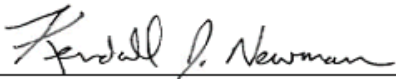
On July 18, 2023, the undersigned granted defendants' request to stay this action because the pending criminal battery charges against plaintiff concerning defendants Pesce and Culum were intertwined with plaintiff's excessive force claims against defendants. (ECF No. 28.) The undersigned ordered defendants to file bi-monthly status reports addressing the status of the criminal charges pending against plaintiff in Amador County. (*Id.*)

On September 7, 2023, defendants filed their first status report. (ECF No. 29.) Defendants state that a trial readiness conference in plaintiff's Amador County case is set for November 3, 2023, and trial is set for February 2, 2024. (*Id.*) Defendants request leave from their bi-monthly obligation to file status reports until February 16, 2024, which should allow

1 sufficient time following the trial in plaintiff's related criminal matter for defendants to provide  
2 the court with an update. (Id.)

3 Good cause appearing, IT IS HEREBY ORDERED that defendants' request for leave  
4 from their bi-monthly obligation to file status reports is granted until February 16, 2024; on or  
5 before February 16, 2024, defendants shall file a status report addressing the status of the criminal  
6 charges against plaintiff in Amador County.

7 Dated: September 26, 2023

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9 KENDALL J. NEWMAN  
10 UNITED STATES MAGISTRATE JUDGE

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